

265

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 3-17-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <i>E-14</i>
ITEM DESCRIPTION: Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC. The plat contains 32.68 acres to be subdivided into 69 single- family home lots and 3 outlots. The plat includes a request for a <u>Substantial Land Alteration Permit</u> to allow grade changes in excess of 10 feet in 5 different areas. The property is located south of 5 th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.		PREPARED BY: Mitzi A. Baker, Senior Planner

March 11, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003 to consider this preliminary plat.

Ms. Petersson moved to recommend approval of the substantial land alteration and Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC with the staff-recommended conditions and findings. Mr. Quinn seconded the motion. The motion carried 6-0, with Ms. Rivas abstaining.

1. The Final Plat shall include:

- A 30' wide access from Manor Ridge Lane to Outlot A for maintenance and pedestrians;
- Additional drainage and/or utility easements shall be identified as determined through construction plan review & approval;
- A revised roadway name, to be approved by the Planning Department Addressing staff (see February 6, 2003 memo).

2. Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.

3. Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.

4. Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.

5. Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.

6. Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

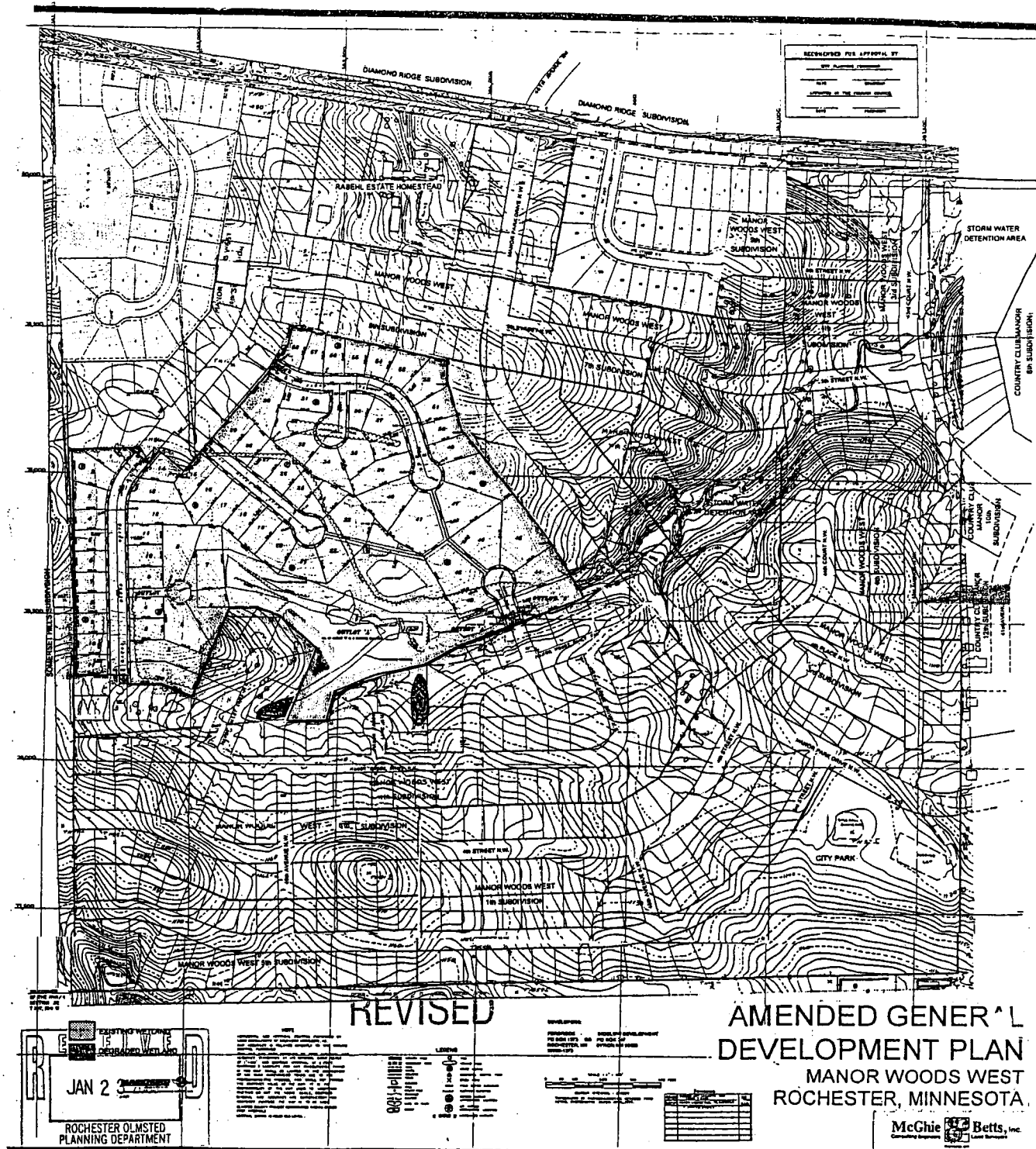
- 204
7. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
 8. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

Council Action Needed:

1. *The Council may approve, approve with conditions, or deny the Land Subdivision Permit, and Substantial Land Alteration Permit. The Council must make findings of fact as a basis for the decision.*
-

Distribution:

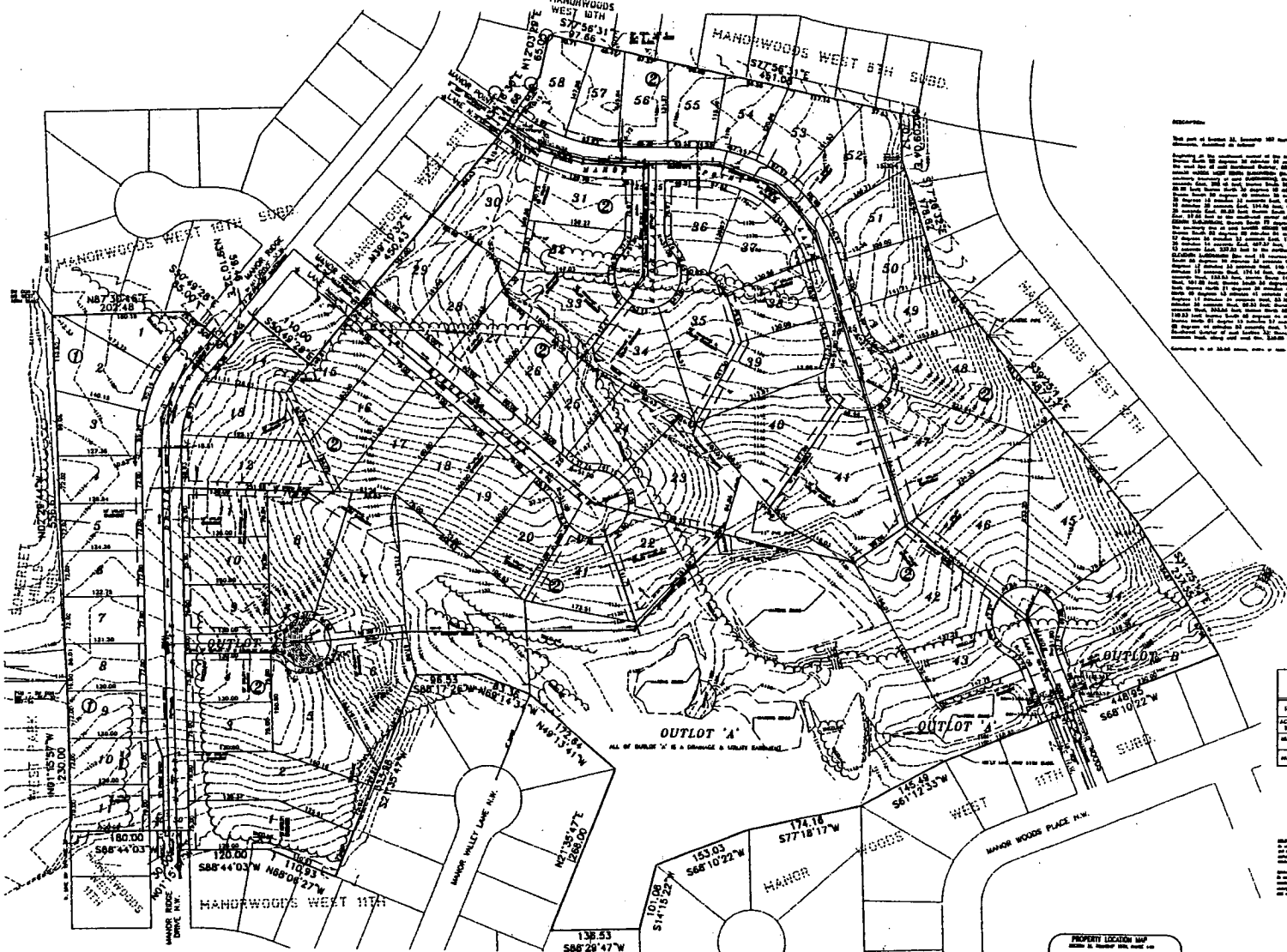
1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday March 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
7. McGhie & Betts, Inc.



Proposed GDP
Amendment 1103

MANOR WOODS WEST FOURTEENTH

228



MANOR WOODS WEST FOURTEENTH
 SITE DATA SUMMARY

TOTAL ACRES	22.66
ACRES DEVOTED TO PAVEMENT	2.22
NUMBER OF LOTS	100
NUMBER OF OUTLOTS	2

MANOR WOODS WEST FOURTEENTH
 PRELIMINARY PLAT

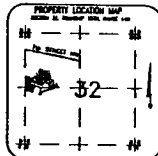
OWNER & DEVELOPER
 ROCHESTER OLIMSTED PLANNING CORPORATION

DATE: 1/23/03

SCALE: 1" = 100'

MANOR WOODS WEST FOURTEENTH

MANOR WOODS WEST FOURTEENTH SITE DATA SUMMARY	
TOTAL ACRES	22.66
ACRES DEVOTED TO PAVEMENT	2.22
NUMBER OF LOTS	100
NUMBER OF OUTLOTS	2



PRELIMINARY PLAT

OWNER & DEVELOPER
 ROCHESTER OLIMSTED PLANNING CORPORATION

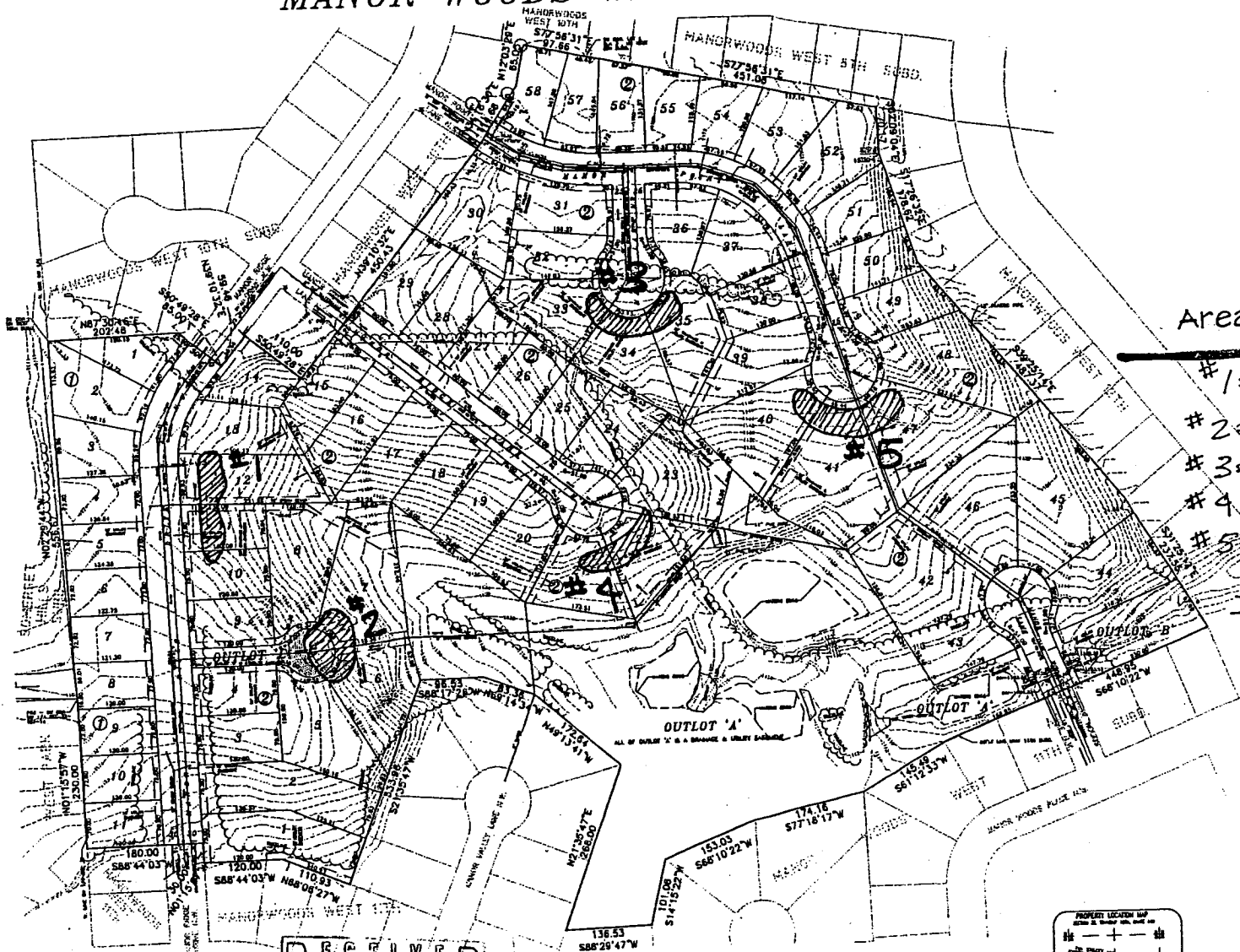
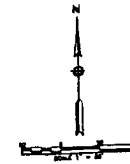
DATE: 1/23/03

SCALE: 1" = 100'

MANOR WOODS WEST FOURTEENTH

RECEIVED
 JAN 23 2003
 ROCHESTER OLIMSTED
 PLANNING CORPORATION

MANOR WOODS WEST FOURTEENTH



Areas of Fill

- #1 = 400 C.Y.
- #2 = 1200 C.Y.
- #3 = 600 C.Y.
- #4 = 400 C.Y.
- #5 = 1100 C.Y.
- + 3,700 C.Y.

MANOR WOODS WEST FOURTEENTH SITE DATA SUMMARY	
TOTAL ACRES	23.40
ACREAGE REVERTED TO PUBLIC USE	2.27
NUMBER OF LOTS	20
NUMBER OF OUTLOTS	3

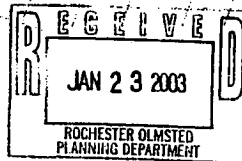
NOT TO SCALE
THIS MAP IS A PRELIMINARY PLAT AND IS NOT A FINAL MAP. IT IS SUBJECT TO THE APPROVAL OF THE ROCHESTER OLMPST PLANNING DEPARTMENT. ANY CHANGES TO THIS MAP MUST BE APPROVED BY THE DEPARTMENT.

PRELIMINARY
PLAT

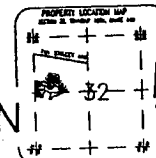
OWNER & DEVELOPER
MANOR WOODS WEST FOURTEENTH LLC

DATE: 1/23/2003

Exhibit "A"

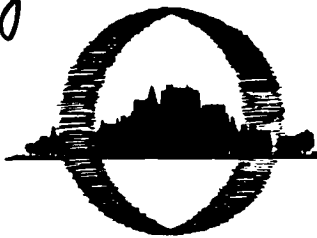


SUBSTANTIAL LAND ALTERATION



269

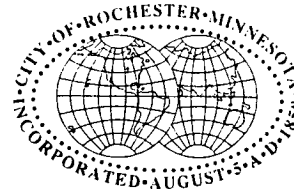
270



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: February 20, 2003

RE: Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC. The plat contains 32.68 acres to be subdivided into 69 single-family home lots and 3 outlots. The plat includes a request for a *Substantial Land Alteration Permit* to allow grade changes in excess of 10 feet in 5 different areas. The property is located south of 5th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.

Planning Department Review:

Applicant/Owner:

Forbrook-Bigelow Development
706 County Rd. 3 NW
Byron, MN 55920

Surveyors/Engineers:

McGhie & Betts, Inc.
1648 3rd Avenue SE
Rochester, MN 55904

Referral Comments:

1. Rochester Department of Public Works
2. Rochester Park & Rec. Dept.
3. Wetlands LGU
4. RPU Water Division
5. Planning Department Addressing
6. Qwest

Report Attachments:

1. Land Development Manual Excerpts
2. Referral Comments
3. Copy of Preliminary Plat

Development Review:

Location of Property:

The property is located south of 7th St. NW, between



271 /

Manor Park Drive NW and Manor Ridge Dr. NW, in a currently undeveloped portion of the Manor Woods West General Development Plan.

Zoning:

The property is zoned R-1 (Mixed Single Family) district.

Proposed Development:

The plat contains 32.68 acres to be subdivided into 69 single- family home lots and 3 outlots. The plat includes a request for a *Substantial Land Alteration Permit* to allow grade changes in excess of 10 feet in 5 different areas.

Streets:

The plat proposes to dedicate right-of-way for five public roadways, including four cul-de-sacs. The roadways to be dedicated include extensions of Manor Point Lane NW, Manor Ridge Lane NW, Manor Woods Lane NW and Manor Ridge Drive NW.

Roadway names as shown on the Plat will need to be modified as required by the Planning Department addressing staff. Please see the attached memo dated February 6, 2003 regarding roadway names.

Utilities:

Utilities will be extended from their present ends in the adjacent platted lands.

Sidewalks:

In accordance with current City policy, sidewalk is required along the both sides of the roadways within the Plat.

Drainage:

This property generally drains to Outlots A & B. According to Public Works, these Outlots are intended to be dedicated to the City as public Storm Water Detention Facilities. Additional access will need to be provided for maintenance and pedestrians. Additionally, a Wetland replacement area is located in this area that will need to be field checked and monitored regularly.

Wetlands:

A wetland replacement plan has been approved on this property. The Technical Evaluation Panel will need to inspect the Wetland area and plans to assure compliance with the previously approved wetland replacement plan (file #99-08).

Spillover Parking:

The spillover parking requirements for this development would be approximately 82 parking spaces. The public roadways in this development, and private driveways should be adequate to accommodate the needed spillover parking.

Parkland Dedication:

Parkland dedication requirements for this development need to be satisfied via cash dedication

in lieu of land.

General Development Plan:

This property is included in the Manor Woods West General Development Plan. A Type I (staff review) amendment to the GDP is being considered concurrent with this preliminary plat, to add the private road cul-de-sac on the west side and the public cul-de-sac from the south sides of the development.

Staff Suggested Findings for Substantial Land Alteration:

Regarding findings for Section 62.1105, staff suggests the findings as written can be made, with the exception of #13 and #14. Staff suggest the following findings for those two items:

#13) The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.

#14) The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) *Not applicable.*
- 2) *Not applicable.*
- 3) *Not applicable.*
- 4) *The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.*
- 5) *Not applicable.*
- 6) *Not applicable.*
- 7) *Not applicable.*
- 8) *Not applicable.*

Staff Review and Recommendation:

The Planning staff has reviewed this preliminary plat request under the provisions of LDM Sections 61.225 (effective 5/15/199). Staff recommends the following modifications or conditions:

1. **The Final Plat shall include:**
 - **A 30' wide access from Manor Ridge Lane to Outlot A for maintenance and pedestrians;**
 - **Additional drainage and/or utility easements shall be identified as determined through construction plan review & approval;**
 - **A revised roadway name, to be approved by the Planning Department Addressing staff (see February 6, 2003 memo).**

273/

2. **Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.**
3. **Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.**
4. **Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.**
5. **Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.**
6. **Lots with direct access to 7th St. NW shall have shared driveways, meeting the access spacing standards of the Rochester Zoning Ordinance and Land Development Manual.**
7. **Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.**
8. **The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.**
9. **The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.**

REMINDER TO APPLICANT:

- **Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.**
- **Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements and acceptance of improvements by the City.**

274

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 2/14/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-04, for Manor Woods West 14th. The following are Public Works comments on this request:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, and contributions for public infrastructure.
2. Grading & Drainage Plan approval is required for this development prior to Final Plat submittal.
3. Execution of a City-Owner Contract will be required prior to construction of any public infrastructure to serve this development.
4. Execution of an Ownership & Maintenance Declaration is required for Outlot 'C'.
5. Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage Manor Ridge Dr NW abutting proposed Outlot 'C', and the frontage of Manor Woods Ln NW abutting Outlots 'A' & 'B'.
6. Outlots 'A' & 'B' are intended to be dedicated to the City as public Storm Water Detention Facilities. Based on the Grading Plan for Manor Woods West 11th, there is a replacement wetland on a portion of the proposed Outlot 'A'. The Owner's obligation for perpetual care of any wetlands on the Outlot will be addressed in the Development Agreement.
7. All construction traffic for this development shall access the project via 7th St NW to Manor Ridge Dr NW.

ROCHESTER

— Minnesota —

2ms

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

8. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
9. A drainage easement is needed from Outlot 'C' to Outlot 'A' to accommodate the conveyance of stormwater from Block 2 of the proposed preliminary plat. In addition, the extension of storm sewer may be required to the existing detention ponds from Outlot 'C', Manor Ridge Ln NW, Manor Ln NW, & Manor Point Ln NW as erosion prevention. The requirement of stormsewer extension will be determined during construction plan and grading plan reviews.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ J8619 Trunkline Sanitary Sewer @ approximately \$1130.77 per developable acre (rate includes 10 years of interest @ 7.0%).
- ❖ J8251 Water Tower @ approximately \$1531.50 per developable acre (rate includes 10 years of interest @ 7.0%).
- ❖ Storm Water Management, for any areas that do not drain to the on-site detention facilities @ \$2,211.76 per developable acre
- ❖ Traffic Signs as determined by the City Engineer.
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface.



ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: January 31, 2003
TO: Jennifer Garness
Planning
RE: Manorwoods West 14th
Preliminary Plat #03-04

Acreage of plat.....	32.68 a
Number of dwelling units.....	69 units
Density factor.....	.0244
Dedication	1.68 a
Fair market value of land.....	\$14,000/a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land

If Outlot A is intended to become public property, there should be additional access..both for maintenance and pedestrian. A 30' regraded access off of Manor Ridge Lane between lots 21-22 is one such option.

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Type I Amendment to GDP #92 and Preliminary Plat #03-04 to be known as Manor Woods West 14th

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

A wetland replacment plan has been approved and is incorporated into this GDP. The Technical Evaluation Panel will need to inspect the wetland area and plans to assure compliance with the previously approved wetland replacement plan. The wetland file number is #99-8.



February 4, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-04 by Forbrook-Bigelow Development, LLC to be known as Manorwoods West Fourteenth.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

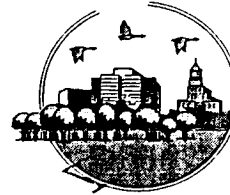
1. Static water pressures within this area will range from 43 to 78 PSI.
2. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Forbrook-Bigelow Development, LLC
McGhie & Betts, Inc.



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: February 6, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Mike Gowin (Yaggy Colby)

RE: **MANOR WOODS WEST FOURTEENTH**

PRELIMINARY PLAT #03-04

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. The cul-de-sac illustrated as Manor lane NW has been changed to **MANOR GARDEN LANE NW**.

RECOMMENDATION: Change roadway designation to illustrate **MANOR GARDEN LANE NW**.

2. The cul-de-sac illustrated as Manor Ridge Lane NW east of Manor Ridge Drive NW has been changed to **MANOR END LANE NW**. (Our staff will complete an RCA after the Final Plat is recorded to change Manor Ridge Lane NW (platted in Manorwoods West Tenth), to **MANOR END LANE NW**).

RECOMMENDATION: Change roadway designation to illustrate **MANOR END LANE NW**.

3. The cul-de-sac illustrated as **OUTLOT C** needs a designation even though it's a private roadway. Work with our office to verify roadway name.

250

ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 CAMPUS DRIVE SE - SUITE 100
ROCHESTER, MN 55904
PHONE (507) 285-8232
FAX (507) 287-2275

Date: January 27, 2003
To: Agencies Indicated Below
From: Jennifer Garness, Planning Department
Subject: Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC. The plat contains 32.68 acres to be subdivided into 69 single-family home lots and 3 outlots. The plat includes a request for a Substantial Land Alteration Permit to allow grade changes in excess of 10 feet in 5 different areas. The property is located south of 5th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.

This application is scheduled for consideration by the City Planning and Zoning Commission on February 26, 2003, in the Council/Board Chambers of the Government Center, 151 4th Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your comments by **February 14, 2003**. You may also appear at the meeting if you so desire. Your cooperation and assistance is greatly appreciated. *If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:*

Forbrook-Bigelow Development, LLC
706 County Road 3 NW
Byron MN 55920
(507) 775-2280

McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester MN 55904
(507) 289-3919
mbi@mcghiebetts.com

City Agencies

1. Public Works
Richard Freese
2. Fire Department
Vance Swisher
3. Crime Prevention
Darrel Hildebrant, Gov. Center
4. RPU Operations Division
Mike Engle
5. RPU Water Division
Donn Richardson
6. Park & Recreation
Denny Stotz
7. Building Safety
Ron Boose
8. City Attorney
Dave Goslee
9. Downtown Dev. Dist.
Doug Knott
10. City Administration
Terry Spaeth
11. Transportation Planner
Charlie Reiter
12. John Harford, Planning Dept.

County Agencies

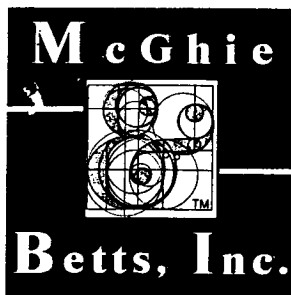
13. Health Department
Rich Peter
14. Public Works
15. GIS Division
Randy Growden
16. Environmental Resource Services

Other Agencies

17. School Board
Jeff Kappers
18. Aquila
Neal Clausen
19. Aquila
Rory Lenton
20. Qwest
Julie Schletty
21. Charter Communications
22. MN DOT
Dale Maul
23. Post Office
Supervisor
24. MN DNR
Bob Bezek
25. SWCD
26. Peoples Coop
Rick Wellik
27. Peoples Coop
Sandy Sturgis
28. CUDE, Design Review Committee
Christine Schultze
29. Susan Waughtal Neighborhood
Organizer

*Dwight does not
object. However, if
tel. cable needs to be
relocated/moved, charges
may be incurred by
developer.*

*Joe Wheeler
Dwight Comm.
285-3634*



R o c h e s t e r
M i n n e s o t a
1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333
e-mail. mcghiebetts.com
Established 1946

SUBSTANTIAL LAND ALTERATION

281

January 23, 2003

Mr. Brent Svenby
Consolidated Planning Department
2122 Campus Dr. S.E.
Rochester, MN 55904

RE: Exemption from Section 62.1101 B. (1) for "Manor Woods West Fourteenth"

Dear Mr. Svenby:

Section 62.1101 of the Rochester Code of Ordinances contains new standards for Substantial Land Alteration projects. Five areas in the Manor Woods West Fourteenth Subdivision will result in exceeding a 10-foot vertical fill shown in Exhibit "A". This project meets the definition of Section 62.1101 2.a.1(d) where the fill involves a grade change of 10-feet or more from the pre-existing grades. Therefore, we are requesting an exemption.

Fill #1 involves a 10'-12' fill - with approximately 400 cubic yards of fill
Fill #2 involves a 10'-15' fill - with approximately 1,200 cubic yards of fill
Fill #3 involves a 10'-12' fill - with approximately 600 cubic yards of fill
Fill #4 involves a 10'-12' fill - with approximately 400 cubic yards of fill
Fill #5 involves a 10'-14' fill - with approximately 1,100 cubic yards of fill

Total fill in excess of 10' = 3,700 cubic yards (See Exhibit "A")

Section 62.1101 A..6 provides for an exemption provided there are sufficient findings made as contained in Section 62.1105. The following are suggested findings in support of the request.

62.1105 1-15

1. The activity necessary to grade the portions in excess of 10-foot vertical fill will not result in unstable slopes or unsafe access and is not near existing residential areas parks or roadways. The street gradients and side slopes are in accordance with the standards for the City of Rochester. The work is required to construct the public roadway or properly grade individual buildings.
2. The grading plan will document the extent of the work. The excess fills are a small part of the overall grading plan. These fills will have a negligible effect on the surrounding residential lots with regards to noise and air quality.
3. The equipment used to move the earth is the same type of equipment that will be utilized to grade all of the roadways in the subdivision. There is not

JAN 23 2003

ROCHESTER MINN

282

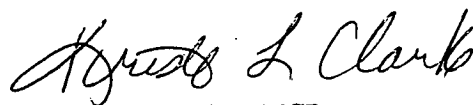
a need for additional equipment to do the work, therefore, there would not be an adverse effect on the existing road system to the site.

4. The additional grading will not adversely effect air quality. The proposed fills are not near the ground water.
5. The grading will create the future public roadway and single-family residential lots, which have been sited to reduce the impacts for wooded areas, natural landscapes, and wildlife corridors.
6. The additional grading (in excess of 10-foot) is compatible with the existing and future subdivisions in the area and are necessary to construct the public roadway, ditches and back slopes of the future lots.
7. Grading is confined to the Manor Woods West Fourteenth Subdivision and not to the adjacent properties. Therefore, it will not unduly effect the use of adjacent properties.
8. Grading will take place within the proposed individual platted lots. All of these slopes will be restored after completion of grading either by paving or re-seeding.
9. The grading plan will provide for proper restoration and stabilization in accordance with the codes for the City of Rochester.
10. Grading of these areas are necessary to provide adequate drainage.
11. The area of grading does not contain sinkholes or wetlands and will not affect the ground water or the subsurface water quality once restoration and stabilization is completed.
12. The additional time necessary to complete the grading needed for the five filled areas will be negligible.
13. Permanent and interim (during construction) erosion/sedimentation control is provided for in the Grading Plan. The City will review and approve this grading plan.
14. There are numerous permits including the grading approval and NPDS that require the site to be fully restored to a safe condition. After the site is graded, as per the approved grading plan, the site will be developed into 69 single- family homes. These uses are compatible with the Comprehensive Plan, neighborhood plans, and the Land Use Plan and all applicable City policies.
15. The activity is not associated with the building code. Ordinance 62.1100 and the standards in the Land Development Manual and on file with Public Works shall apply to the design standards and construction process.

1
283

Yours very truly,

McGhie & Betts, Inc.

A handwritten signature in cursive script that reads "Kristi L. Clarke".

Kristi L. Clarke, AICP
Land Planner

KLC/klc

Pc. Joel Bigelow
Chuck Forbrook

Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC. The plat contains 32.68 acres to be subdivided into 69 single-family home lots and 3 outlots. The plat includes a request for a Substantial Land Alteration Permit to allow grade changes in excess of 10 feet in 5 different areas. The property is located south of 5th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.

Ms. Rivas stated that she would need to abstain.

Mr. Brent Svenby presented the staff report, dated February 20, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Burke asked if condition number 6 listed in the staff report was an error in the report.

Mr. Svenby responded yes and asked that it be stricken.

Mr. Burke asked how steep the slope was on the westerly roadway going up the hill.

Mr. Svenby explained that he would review the construction plans.

Ms. Rivas asked if Outlot A was part of the wetland reconstruction.

Mr. Svenby responded yes and referred to condition number 7 listed in the staff report.

Ms. Rivas stated that the substantial land alteration was located by the cul-de-sacs. She asked if staff was concerned about possible erosion.

Mr. Svenby responded that he was not aware of any concerns from staff.

The applicant's representative, Ward Opitz, of 5955 118th Avenue NW, Byron MN 55920, addressed the Commission. He stated that the applicant was in agreement with the staff-recommended conditions, except for condition 1)a regarding the 30' wide pedestrian and maintenance access off of Manor Ridge Lane. He explained that they wouldn't want people to be walking through those wetlands.

Ms. Rivas asked if any trees would be saved.

Mr. Opitz responded that some trees would be.

Mr. Quinn asked what the westerly road elevation was.

Mr. Opitz responded that he thought it was roughly 5 percent, although he had not seen the grading plan.

Mr. Burke asked what the purpose was of having a private roadway to the cul-de-sac.

Mr. Opitz responded that it served 4 lots, in which an association agreement would be created. He indicated that it would be 28 feet wide with curb on both sides.

Mr. Svenby clarified that there would be an 8 percent slope according to the construction plan.

251

Mr. Svenby stated that the reason for the 30-foot wide access off of the cul-de-sac was for a maintenance and pedestrian access.

Ms. Wiesner indicated that the maintenance access should come from a different cul-de-sac.

Discussion ensued regarding where the maintenance access should be located. Mr. Svenby indicated that he would work it out prior to the City Council meeting.

Mr. Burke asked what the policy was with regard to a storm water management in wetlands.

Mr. Svenby stated that he would need to ask John Harford. He explained that a replacement plan was done in 1999.

Mr. Sam Ellis, of 4914 Manor Ridge Lane NW, Rochester MN, addressed the Commission. He indicated that the water pressure is already poor in Manor Ridge Lane. He expressed concern with the northern lot on Manor Ridge Drive being angled back from the other home. He indicated that the homes would be too close to each other.

Discussion ensued regarding the back lot line. Mr. Svenby showed the house layout for that lot from the grading plan and indicated that they would be 50 feet from each other.

Ms. Raelener Shufelt, of 443 Manor Valley Lane NW, Rochester MN, addressed the Commission. She stated that her backyard would abut the new development. She expressed concern with regard to losing the wooded area and habitat and expressed concern with possible water runoff and land erosion if the landscape is changed (with regard to the substantial land alteration).

Ms. Wiesner explained that the developer plans to leave some of the trees along the perimeter by the wetlands. She explained that need for creating pads for homes.

Mr. Opitz explained that the substantial land alteration is needed to create the pads for the homes. He explained that there would be as much buffer as possible.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to recommend approval of the substantial land alteration and Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC with the staff-recommended conditions and findings. Mr. Quinn seconded the motion. The motion carried 6-0, with Ms. Rivas abstaining.

CONDITIONS:

1. The Final Plat shall include:

- A 30' wide access from Manor Ridge Lane to Outlot A for maintenance and pedestrians;
- Additional drainage and/or utility easements shall be identified as determined through construction plan review & approval;
- A revised roadway name, to be approved by the Planning Department Addressing staff (see February 6, 2003 memo).

2. Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.
3. Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.
4. Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.
5. Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.
6. Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.
7. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
8. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development. The Applicant is proposing to subdivide approximately 18 acres of land into 47 lots for single family development and three Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18th Ave. SW and Hart Farm Subdivision, north of 40th St. SW and includes an extension of Hart Drive SW.

Mr. Brent Svenby presented the staff report dated February 21, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that condition number 2 listed in the staff report could be stricken.